



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,416	07/23/2003	Masataka Ota	16869P-079100US	9866

20350 7590 04/25/2007
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

CHIO, TAT CHI

ART UNIT	PAPER NUMBER
----------	--------------

2621

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/626,416

Applicant(s)

OTA ET AL.

Examiner

Tat Chi Chio

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 7-9 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/23/2003
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 7-9 and 17 are objected to because of the following informalities:

"actuatable" is not a defined word. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ejima et al. (US 6,327,432 B1).

Consider claim 1, Ejima et al. teach a moving picture recording camera comprising:

- an imaging module configured to capture images and convert the images into an electrical signal (CCD of Fig. 6);
- a video processing module configured to process the electrical signal and convert the electrical signal into a video signal (A/D of Fig. 6);
- a recording module configured to record the video signal on a recording medium (DSP of Fig. 6, col. 5, lines 66-67, and col. 6, lines 1-4);
- a recording start instruction module configured to command a start of recording (CPU of Fig. 6);

- a recording extension instruction module configured to command an extension of recording (CPU of Fig. 6)
- a control module configured to control the recording module to record only for a first preset time period when the recording start instruction module is operated (CPU of Fig. 6); and
- a temporary storage unit configured to temporarily store the video signal after a lapse of the first preset time period (buffer memory of Fig. 6);
- wherein the control module is configured to control the recording module to record on the recording medium the video signal which is stored in the temporary storage unit when the recording extension instruction module is operated after the lapse of the first preset time period (the first preset time period is considered to be the user presses the release switch 10 of Fig. 4 to record the video for a 10 seconds, and then, the user stops the recording. When the user presses the release switch 10 of Fig. 4 again, the recording extension instruction (CPU) is operated to record video, col. 9, lines 48-55 and col. 10, lines 17-28).

Consider claim 2, Ejima et al. teach a moving picture recording camera, wherein, when the recording extension instruction module is operated after the lapse of the first preset time period, the control module is configured to control the recording module to record on the recording medium the video signal which is stored in the temporary

Art Unit: 2621

storage unit so as to follow the video signal recorded on the recording medium during the first preset time period (col. 10, lines 17-28).

Consider claim 3, Ejima et al. teach a moving picture recording camera, wherein the recording start instruction module and the recording extension instruction module are operated by using a single button in different situations (release switch of Fig. 4).

Consider claim 4, Ejima et al. teach a moving picture recording camera, wherein the temporary storage unit is configured to temporarily store the video signal produced after the lapse of the first preset time period for a second preset time period, and wherein the control module is configured to control the recording module to record on the recording medium, when the recording extension instruction module is operated during the second preset time period, the video signal stored in the temporary storage unit during the second preset time period (col. 10, lines 17-28).

Consider claim 5, Ejima et al. teach a moving picture recording camera, further comprising a recording time-setting module configured to setting at least one of the first and second preset time periods (S5 of Fig. 10).

Consider claim 6, Ejima et al. teach a moving picture recording camera, wherein the temporary storage unit is configured to temporarily store the video signal produced after the lapse of the first preset time period for a second preset time period, and wherein the control module is configured to control the recording module to record on the recording medium, when the recording extension instruction module is operated during the second preset time period, the video signal stored in the temporary storage unit from a beginning of the second preset time period to an instant when the recording

extension instruction module is operated (Fig. 10 shows the recording of the second preset time period).

Consider claim 7, Ejima et al. teach a moving picture recording camera, further comprising a buffer check switch which is actuatable to cause playback of the video signal stored in the temporary storage unit (col. 13, lines 5-16).

Consider claim 8, Ejima et al. teach a moving picture recording camera, wherein the buffer check switch is actuatable to cause playback of the video signal stored in the temporary storage unit until recording in the temporary storage unit is terminated (col. 13, lines 5-16).

Consider claim 10, Ejima et al. teach a moving picture recording camera comprising:

- an imaging module configured to capture images and convert the images into an electrical signal (CCD of Fig. 6);
- a video processing module configured to process the electrical signal and convert the electrical signal into a video signal (A/D of Fig. 6);
- a recording module configured to record the video signal on a recording medium (DSP of Fig. 6, col. 5, lines 66-67, and col. 6, lines 1-4);
- a recording start-and-stop instruction module configured to command start and stop of recording (CPU of Fig. 6); and
- a photography mode selection module configured to select between a normal photography mode in which recording is made from the instant when a recording start command is given by the recording start-and-stop

instruction module to the instant when a recording end command is given by the recording start-and-stop instruction module, and a snap moving picture photography mode in which recording is made for a preset time period after a photography start command is given by the recording start-and-stop instruction module (col. 4, lines 38-57);

- wherein when the video signal is being recorded in one of the two photography modes, if the photography mode selection module is operated, photography mode is switched to the other photography mode and recording is made in the other photography mode (col. 9, lines 43-46).

Consider claim 11, Ejima et al. teach a moving picture recording camera, further comprising: a photography mode-switching module configured to switch photography mode to the normal photography mode during photography in the snap moving picture photography mode (col. 9, lines 43-46); and a control module which is configured, when the recording start-and-stop instruction module is operated, to control the recording module to record in a corresponding manner to the photography mode selected by the photography mode selection module and which, when the photography mode-switching module is operated during photography in the snap moving picture photography mode, controls the recording module to record in a corresponding manner to the normal photography mode (CPU of Fig. 6).

Consider claim 12, Ejima et al. teach a moving picture recording camera, further comprising a temporary storage unit configured to temporarily store the video signal after a lapse of the preset time period in the snap moving picture photography mode

Art Unit: 2621

(buffer memory of Fig. 6); and a recording extension instruction module configured to command an extension of recording (CPU of Fig. 6), wherein the control module is configured to control the recording module to record on the recording medium the video signal stored in the temporary storage unit after the lapse of the preset time period when the recording extension instruction module is operated (col. 10, lines 18-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,327,432 B1) in view of Tanaka (4,982,390)

Consider claims 14 and 18, Ejima et al. teach a recording device comprising:

- an input module into which an information signal is entered (shooting lens of Fig. 6);
- a temporary storage unit configured to temporarily store the information signal (buffer memory of Fig. 6);
- a recording module configured to record the information signal on a recording medium (DSP of Fig. 6, col. 5, lines 66-67, and col. 6, lines 1-4);
- a recording stop instruction module configured to command a stop of recording by the recording module (CPU of Fig. 6);

- a recording extension instruction module configured to command an extension of recording by the recording module (CPU of Fig. 6);

but fail to teach a control module configured, when the recording stop instruction module is operated, to cause the recording module to stop the recording and temporarily store in the temporary storage unit the information signal after the stop of recording and, when the recording extension instruction module is operated after the stop of recording, to cause the recording module to record on the recording medium the information signal stored in the temporary storage unit after the stop of recording.

Tanaka teaches a control module configured, when the recording stop instruction module is operated, to cause the recording module to stop the recording and temporarily store in the temporary storage unit the information signal after the stop of recording and, when the recording extension instruction module is operated after the stop of recording, to cause the recording module to record on the recording medium the information signal stored in the temporary storage unit after the stop of recording (col. 7, lines 34-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a control module since this ensures the recording of a signal continuously input for a longer period of time than is defined by the capacity of the temporary memory in the main recorder without any blank periods or non-recording periods (col. 2, lines 66-67 and col. 3, lines 1-3)

Consider claims 15 and 19, Tanaka further teaches a recording device, wherein the temporary storage unit is configured to temporarily store the information signal for a preset time period after the stop of recording (temporary memory of Fig. 1), and wherein

Art Unit: 2621

the control module is configured to control the recording module to record on the recording medium, when the recording extension instruction module is operated during the preset time period after the stop of recording, the information signal stored in the temporary storage unit during the preset time period after the stop of recording (col. 7, lines 34-60).

Consider claims 16 and 20, Tanaka further teaches a recording device, wherein the temporary storage unit is configured to temporarily store the information signal for a preset time period after the stop of recording (temporary memory of Fig. 1), and wherein the control module is configured to control the recording module to record on the recording medium, when the recording extension instruction module is operated during the preset time period after the stop of recording, the information signal stored in the temporary storage unit from a beginning of the preset time period to an instant at which the recording extension instruction module is operated (col. 7, lines 34-60)

Consider claim 17, Ejima et al. teach a recording device, further comprising a buffer check switch which is actuatable to cause playback of the information signal stored in the temporary storage unit (col. 13, lines 5-16).

6. Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (US 6,327,432 B1).

Consider claim 9, Ejima et al. teach all the limitations in claim 7 but fail to teach a moving picture recording camera, further comprising a recording extension switch which is actuatable to operate the recording extension instruction module; wherein the

Art Unit: 2621

recording extension switch and the buffer check switch are operated by using a single button in different situations. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these buttons into one button since it has been held "that the use of one piece construction in stead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Consider claim 13, Ejima et al. teach all the limitations in claim 11 but fail to teach a moving picture recording camera, wherein the recording start-and-stop instruction module and the photography mode-switching module are operated by using a single button in different situations. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine these buttons into one button since it has been held "that the use of one piece construction in stead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice." *In re Larson*, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965).

Conclusion

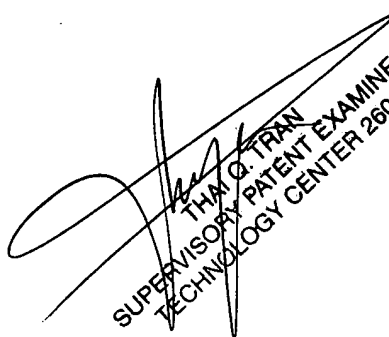
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tat Chi Chio whose telephone number is (571) 272-9563. The examiner can normally be reached on Monday - Thursday 8:30 AM-6:00 PM EST.

Art Unit: 2621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TCC



THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600